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PILLSBURY WINTHROP, LLP  
P.O. BOX 10500  
MCLEAN, VA 22102

EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application 09/465506	Applicant(s) Lundberg	
	Examiner Abes, G	Art Unit 3624	Confirmation No.

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- ☒ Responsive to communication(s) filed on 4/7/03
- ☒ This action is FINAL. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- ☒ Claim(s) 1-40 is/are pending in this application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-40 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received:
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Art Unit: 3624

## **DETAILED ACTION**

### ***Reply to Response***

1. This action is issued in reply to applicant's Response(Paper #11) filed 4/7/03.
2. No claims were amended. None were added. None were cancelled.
3. Claims 1-40 are pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-40 are rejected under 35 USC 103(a) as unpatentable over Clark(US Pat. No: 6,351,738) in view of Feidelson(US Pat. No: 6,345,261) and further in view of McClelland(US Pat. No: 5,689,650).
6. As per claims 1,6,18,30 Clark teaches a method for supporting security-trade financing for a company seeking capital(Fig 4/416)(col 4 lines 5-14)(col 6 lines 6-7) comprising maintaining an inventory data base including data identifying products(col 4 lines 21-32) and determining a cash/trade-credit blend for the purpose of providing financing to the company wherein the cash/trade-credit blend includes a cash portion and a trade-credit portion(Fig 4/414)(col 5 lines 6-14)(col 6 lines 3-5)(coll 11 line 40-col 12 line 46)(col 12 line 50-56) and receiving at least a portion of the cash/trade-credit blend from the company in exchange for a

Art Unit: 3624

proportional quantity of the products in inventory that are desired by the company(Fig 4/410)(Fig 5)(col 5 lines 21-50)(col 8 line 57-col 10 line 54). Clark further teaches volume rebates(Fig 5) and capital financing(Fig 4). Clark fails to teach receiving securities from the company in exchange for the trade-credit portion of the cash/trade-credit blend, but does teach the ability of equity participants to be part of an IPO without loss of control(col 6 lines 8-9). Feidelson teaches this(Abstract)(Fig 1)(Fig 2)(Fig 3)(col 2 line 6-col 4 line 20).McClelland teaches cash/credit blends(col 6 line 36-col 8 line 4). It would have been obvious to one skilled in the art at the time of the invention to combine Clark in view of Feidelson to teach the above. The motivation to combine is to teach a user-friendly investment based customer credit program as enunciated by Feidelson(col 2 lines 1-3).It also would have been obvious to one skilled in the art at the time of the invention to combine Clark in view of Feidelson and further in view of McClelland to teach the above. The motivation to combine is to teach a method for allocating business interests to participants in a risk managed portfolio as enunciated by McClelland(col 4 lines 1-3).

7. As per claim 2 Clark teaches according to Claim 1. Clark does not specifically teach further including the steps of receiving deficient assets from a deficient asset company but does teach transmitting trade credits to the deficient asset company(Fig 4/410). It would have been obvious to one skilled in the art at the time of the invention to combine Clark in view of Feidelson to teach the above. The motivation to combine is to teach a user-friendly investment based customer credit program as enunciated by Feidelson(col 2 lines 1-3).It also would have been obvious to

Art Unit: 3624

one skilled in the art at the time of the invention to combine Clark in view of Feidelson and further in view of McClelland to teach to teach paying for the deficient assets of a deficient company and storing data identifying the deficient assets in the inventory data base. The motivation to combine is to teach a method for allocating business interests to participants in a risk managed portfolio as enunciated by McClelland(col 4 lines 1-3).

8. As per claim 3,10-12,33-34 Clark teaches a method as recited in Claims 1,10,33 wherein the products identified in the inventory data base are categorized(col 9 line 49)(col 10 lines 4-7)(Fig 4/414/418).

9. As per claims 4,9 13-14,21-25 Clark teaches a method as recited in Claim 1,10,18,21 wherein the products are selected from the group consisting of goods and services(col 9 line 49)(col 10 lines 4-7)(col 10 line 36)(col 11 lines 40-61).

10. As per claim 5,27-28,39-40 Clark teaches a method as recited in Claim 1,18,30 wherein the cash/trade-credit blend is represented by a cash-credit ratio(col 10 lines 34-36). Clark fails to teach a specific cash-credit ratio. Feidelson teaches this(Abstract)(Fig 1)(Fig 2)(Fig 3)(col 2 line 6-col 4 line 20).McClelland teaches cash/credit blends(col 6 line 36-col 8 line 4). It would have been obvious to one skilled in the art at the time of the invention to combine Clark in view of Feidelson to teach the above. The motivation to combine is to teach a user-friendly investment based customer credit program as enunciated by Feidelson(col 2 lines 1-3).It also would have been obvious to one skilled in the art at the time of the invention to combine Clark in view of Feidelson and further in view of McClelland to teach the above. The motivation to combine is to

Art Unit: 3624

teach a method for allocating business interests to participants in a risk managed portfolio as enunciated by McClelland(col 4 lines 1-3).

11. As per claims 7, 16-17,19-20,26,29, 31,37-38 Clark teaches a method as recited in Claims 6,18,19,30 wherein the desired plan cost basis is based on valuations of the company(col 10 lines 43-45)(Fig 4/416).

12. As per claims 8,32,35-36 Clark teaches a method as recited in Claim 6,31,34 wherein the valuations include an agreed-to valuation and a desired valuation(col 10 lines 43-45)(Fig 4/416).

***Response to Arguments***

13. Applicant's arguments with respect to claims 1-40 have been considered but are not persuasive.Applicant's principal argument is that no reference utilized discloses determination of a cash/trade credit blend for the purpose of providing financing to the company.Clark is not non-analogous art. Clark does in fact teach a method of supporting security-trade financing for a company seeking capital by providing discount capital financing for the purchase of technology and machinery to businesses(Abstract)(Fig 4).Discount financing is effectively a cash discount on the loan which is a cash component in the blend cited. In Clark, the discount financing of the business entity (HBE)company creates a cash component in the financing of the operation. Feidelson teaches a customer loyalty investment program whereby purchase rebates to customers are used to provide the customer with merchant securities(Abstract)(Figs 1-4). This customer loyalty element is a trade credit component(rebate) in the operation of a business. Clark and

Art Unit: 3624

Feidelson teach the financing methodology advanced by applicant in a business entity as a cash/trade credit blend where the trade credit is issued by the merchant.

***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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15. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 2100 or this Art Unit is (703)-308-6296 or 6306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-305-3900.

GRA

GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER